



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE REGISTRATION OF :
: **Marvin Davis** : ADMINISTRATIVE ACTION
Registration No. 28RW00400600 :
: **FINAL ORDER OF DISCIPLINE**
:
TO PRACTICE AS A PHARMACY :
TECHNICIAN IN THE STATE OF :
NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy (hereinafter "the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Marvin Davis ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at all times relevant hereto.

2. The Board of Pharmacy received a criminal flagging notice indicating that Respondent was arrested on October 07, 2014 by the Camden County Police Department for loitering for prostitution violating 2C:34-1.1. On October 15, 2014, Camden Municipal Court found Respondent Guilty of a Local Ordinance Violation and assessed Respondent a fine of \$233.00.

3. On October 22, 2014, the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in Paulsboro, New Jersey via regular and certified mail with receipt requested. The regular mailing was returned. The return receipt indicates that the certified mail was returned to the Board as "unclaimed".

4. To date, Respondent has failed to cooperate with the Board's investigation into the arrest.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's letter constitutes a violation of N.J.S.A. 45:1-21(h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:39C-1.1 et seq. Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:39-6.10.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of respondent's certification to practice as a pharmacy technician in the State of New Jersey and a fine of \$250.00 to be paid within 15 days of the filing of this order was entered on July

27, 2015. A copy was forwarded to respondent's last known address of record by means of both regular and certified mail. The regular mailing was not returned; and the certified mail was returned unclaimed. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Respondent cannot evade service by failing to provide the Board with a valid address or failing to respond. To date, Respondent has not submitted a response to the Provisional Order. The Board further determined that inasmuch as no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, no further proceedings are necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 12th day of November, 2015,

ORDERED that:

1. Respondent's certification to practice as a pharmacy technician be and hereby is suspended until such time as Respondent cooperates with the Board's investigation by providing answers to the Board's request for information to the Board's satisfaction.

2. Respondent shall refrain from practicing as a pharmacy technician and shall not represent himself as a registered pharmacy technician until such time as his registration is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice. For the purposes of this Order, practice as a pharmacy technician includes, but is not limited to the following: respondent shall not retrieve prescription files or patient files; shall not prepare medication labels; shall not engage in data entry for any pharmacy, shall not count, weigh, measure, pour or compound prescription medication or stock prescription legend drugs or controlled substances; shall not fill an automated medication system; shall not accept authorization for a prescription refill or renewal; shall not handle anything requiring a prescription, including devices and medications; respondent shall not handle prescriptions; and

shall not be present within a prescription filling area of a pharmacy.

3. Respondent shall pay a civil penalty in the amount of \$250.00 within 15 days of the filing of in this Order. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Pharmacy and mailed to the New Jersey State Board of Pharmacy, ATTN: Anthony Rubinaccio, Executive Director, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr. RPh
Thomas F.X. Bender, R.PH.
Board President